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ms. Johns

## DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-203030

DATE: May 7, 1981

MATTER OF: Inscom Electronics

## DIGEST:

1. GAO does not consider protests concerning small business size status; by law the Small Business Administration decides such matters.
2. Whether small business is manufacturer or regular dealer under Walsh-Healey Act is for determination by contracting agency subject to review by Small Business Administration if small business is involved and by Secretary of Labor.

Inscom Electronics [protests award of contract to Dectron Industries Co. under solicitation No. N00104-81-B-0057] a small business set-aside issued by the Department of the Navy.

Inscom [contends that Dectron does not qualify as a small business concern because it has no independent existence but rather is part of a large business firm. The protester further states that because Dectron lacks its own facilities, it does not qualify as a manufacturer or regular dealer under the Walsh-Healey Act, 41 U.S.C. §§ 35-45 (1976)].

[This Office does not review size status protests since under 15 U.S.C. § 637(b) (1976) the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size for Federal procurement purposes.] See A&R Window Cleaning & Janitorial Service, Inc., B-197612, March 28, 1980, 80-1 CPD 231.

[Protest of Small Business Set-Aside Award by Navy]

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Furthermore, the determination of whether a small business firm is a manufacturer or regular dealer under the Walsh-Healey Act rests with the contracting agency, subject to review by SBA if a small business is involved and by the Secretary of Labor. See Certified Power Train Specialist, B-200679, October 17, 1980, 80-2 CPD 296.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel